

HOUSE BILL 332

By Jones S

AN ACT to amend Tennessee Code Annotated, Title 37,
relative to responding to reports of child abuse and
child sexual abuse.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 37-1-406(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) The department shall be capable of receiving and investigating reports of child abuse twenty-four (24) hours a day, seven (7) days a week. The county office shall make a thorough investigation promptly after receiving either an oral or written report of harm. All representatives of the child protective services agency shall, at the initial time of contact with the individual who is subject to a child abuse and neglect investigation, advise the individual of the complaints or allegations made against the individual consistent with laws protecting the rights of the informant. If it appears that the immediate safety or well being of a child is endangered, that the family may flee or the child will be unavailable, or that the facts otherwise warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In the event the report involves child sexual abuse, the department shall follow the procedures outlined in subsection (b).

(2) Notwithstanding any law, rule or regulation to the contrary, the department shall respond to all reports of harm made pursuant to §§ 37-1-403 or 37-1-605 by either investigating such report or completing an assessment of the

child and family and referring such child and family for services pursuant to § 37-5-604, except in the following circumstances:

(A) The person making the report fails to provide sufficient identifying information to identify and locate the child or the family;

(B) The child or the child's family is not present in Tennessee and the incident did not occur in Tennessee, provided the department has a procedure for notifying the appropriate authorities in the appropriate jurisdiction;

(C) The call or contact with the department is to obtain information only; or

(D) The victim at issue is eighteen (18) years of age or older at the time the report is made.

SECTION 2. Tennessee Code Annotated, Section 37-1-606(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) The department shall be capable of receiving and investigating reports of known or suspected child sexual abuse twenty-four (24) hours a day, seven (7) days a week. If it appears that the immediate safety or well-being of a child is endangered, that the family may flee or the child will be unavailable for purposes of conducting a child protective investigation, or that the facts otherwise so warrant, the department shall commence an investigation immediately, regardless of the time of day or night. In all other child sexual abuse cases, a child protective investigation shall be commenced within twenty-four (24) hours of receipt of the report.

(2) Notwithstanding any law, rule or regulation to the contrary, the department shall respond to all reports of harm made pursuant to §§ 37-1-403 or 37-1-605 by either investigating such report or completing an assessment of the child and family and referring such child and family for services pursuant to § 37-5-604, except in the following circumstances:

(A) The person making the report fails to provide sufficient identifying information to identify and locate the child or the family;

(B) The child or the child's family is not present in Tennessee and the incident did not occur in Tennessee, provided the department has a procedure for notifying the appropriate authorities in the appropriate jurisdiction;

(C) The call or contact with the department is to obtain information only; or

(D) The victim at issue is eighteen (18) years of age or older at the time the report is made.

SECTION 3. Tennessee Code Annotated, Section 37-5-604(a), is amended by deleting the subsection in its entirety and substituting instead the following:

(a)

(1) Upon receipt of a report of harm pursuant to § 37-1-403, the department shall make an initial screening decision using an approved screening instrument. The screening instrument shall be developed by the department and submitted to the select committee on children and youth for comment before being used in the demonstration program. If the report does not allege that the child has been harmed or that the child has been sexually abused, after reviewing the information available and using the screening instrument, the

department shall determine whether the child is at risk of maltreatment. If the child is at risk of maltreatment, the department shall determine whether the appropriate level of intervention is:

(A) Investigation pursuant to title 37, chapter 1;

(B) Assessment of the child and the family's need for and referral to available community-based public or private services; or

(C) Referral for available community-based public or private services without assessment or investigation.

(2) Notwithstanding the provisions of subsection (a) or any other law, rule or regulation to the contrary, the department shall respond to all reports of child sexual abuse made pursuant to § 37-1-605 by either investigating such report, or completing an assessment of the child and family and referring such child and family for services pursuant to § 37-5-604, except in the following circumstances:

(A) The person making the report fails to provide sufficient identifying information to identify and locate the child or the family;

(B) The child or the child's family is not present in Tennessee and the incident did not occur in Tennessee, provided the department has a procedure for notifying the appropriate authorities in the appropriate jurisdiction;

(C) The call or contact with the department is to obtain information; or

(D) The victim at issue is eighteen (18) years of age or older at the time the report is made.

SECTION 4. Tennessee Code Annotated, Section 37-5-604(d), is amended by designating the existing language as subdivision (1) and inserting the following new subdivision (2):

(2) If the family does not cooperate with the provision of community-based public or private services or does not provide alternative services of its own to meet such needs pursuant to subdivision (d)(1), the department shall reassess the child and family to determine whether the child is at risk of maltreatment no later than ninety (90) days after the department becomes aware that the family has failed to cooperate or provide alternative services.

SECTION 5. Tennessee Code Annotated, Section 37-5-604(e), is amended by deleting the third and fourth sentences and substituting instead the following language:

Any family that declines services offered to them shall be informed that their actions in declining services may be considered in evaluating any future reports of harm received by the department and that the family will be reassessed to determine whether the child is at risk of maltreatment no later than ninety (90) days after the family declines services.

SECTION 6. Tennessee Code Annotated, Section 37-5-604(e), is amended by designating the existing language as subdivision (1) and inserting the following new subdivision (2):

(2) Notwithstanding the provisions of subdivision (e)(1), if the family declines the provision of community-based public or private services pursuant to subdivision (e)(1), the department shall reassess the child and family to determine whether the child is at risk of maltreatment no later than ninety (90) days after the family declines such services.

SECTION 7. Tennessee Code Annotated, Section 37-5-604, is amended by adding the following new subsection:

(g) No later than ninety (90) days after a family completes the provision of community-based public or private services pursuant to this section, the department shall reassess the child and family to determine whether the child is at risk of maltreatment.

SECTION 8. This act shall take effect July 1, 2009, the public welfare requiring it.